

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDY JOSEPH DESHARNAIS,

Plaintiff,

Case No. C11-783-TSZ-BAT

V.

ORDER ON REMAND

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration

Defendant.

The Court, having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, docket no. 23, and the Commissioner's Status Report dated December 2, 2011, docket no. 27, does hereby find and **ORDER**:

- (1) The Court MODIFIES and ADOPTS the Report and Recommendation.
 - (2) This matter is REMANDED pursuant to sentence six of 42 U.S.C. § 405(g).
 - (3) On remand, plaintiff shall have an opportunity to supplement the record, and the Commissioner shall conduct additional appropriate proceedings.
 - (4) This Court will retain jurisdiction over the case pursuant to 42 U.S.C. § 405(g).

If the Commissioner's decision is again unfavorable to Mr. Desharnais, he may seek judicial review by reinstating this case, rather than filing a new complaint.

(5) The Clerk is directed to send a copy of this Order to all counsel of record and to Magistrate Judge Tsuchida.

DATED this 5th day of December, 2011.

Thomas S. Bally

Thomas S. Zilly
United States District Judge